

REMARKS

The Office Action has been received and reviewed. In the Office Action, claims 1-52 were rejected. In response to the Office Action, applicant has amended claims 1, 13, 24, 28, 39 and 49 and submits the following remarks.

If there are questions about this Response, please contact the undersigned. In view of the remarks, applicant respectfully requests allowance of the claims.

Claim Amendments

Claims 1, 13, 24, 28, 39 and 49 have been amended herein to further distinguish the claims from the prior art and expedite prosecution of the application. No other reason should be attributed to the amendments.

It is respectfully submitted that the amendments do not introduce new matter.

Rejection Of Claims Under 35 U.S.C. 103(a)

At page 2 of the Office Action, claims 1-5, 8-16, 19-23, 28-31, 34-41 and 44-48 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,082,776 ("Feinberg") in view of U.S. Patent No. 5,771,291 ("Newton et al.") and U.S. Patent No. 6,488,205 ("Jacobson"). Feinberg discloses a system and method for data compression of structured medical history information.

With regard to claim 1, it was argued in the Office Action that Feinberg teaches an associated pair comprising an associated

access code and an associated password. It was further argued that the associated access code is associated with a patient, and that the associated password is associated with a non-patient user of the system. To support these arguments, the following portions of Feinberg were cited: (1) Figure 2, item 100, (2) Figure 6, (3) Figure 11B, item 530, (4) column 2, lines 50-56, (5) column 7, lines 15-19, (6) column 7, lines 47-59 and (7) column 21, lines 7-11. Each of these seven items is discussed below.

It is respectfully submitted that the cited portions of Feinberg do not disclose or suggest the associated pair. Figure 2, item 100 is a data base, and does not suggest an associated pair. Figure 6 is a flow chart of a method, but does not suggest an associated pair.

Figure 11B, item 530 describes encrypting a bit stream using a password for privacy and security of access. Figure 11B, item 530 does not disclose or suggest an access code associated with a patient and a password associated with a non-patient user of the system, wherein the pair is used to gain access to information.

Column 2, lines 50-56 describes a card used to hold medical information, or a patient identification number ("IDN") and personal identification number ("PIN"). The IDN and PIN may be used to retrieve the patient's medical records from a remote computer database. Although there are two numbers required to retrieve medical records, there is no suggestion that the PIN is associated with a non-patient user of the system. Instead,

column 2, lines 50-56 suggests that the PIN is associated with the patient.

Column 7, lines 15-19 discloses a translator program that sends instructions to translate code information into a personal medical summary, which may be provided to a medical services provider or the patient. Column 7, lines 15-19 does not disclose or suggest an access code associated with a patient and a password associated with a non-patient user of the system, wherein the pair is used to gain access to information.

Column 7, lines 47-59 discloses that a medical services provider may enter personal medical information of a patient by using multiple screens that facilitate data entry. Standardized codes and descriptions may be presented via the screens, and the provider may select those that describe the diagnoses, procedures and medications for the patient. Column 7, lines 47-59 does not disclose or suggest an access code associated with a patient and a password associated with a non-patient user of the system, wherein the pair is used to gain access to information.

Column 21, lines 7-11 discloses that a bit stream may be encrypted for privacy and access security reasons. A user-chosen password is incorporated in the bitstream for access protection. For the same reasons that Figure 11B, item 530 does not disclose or suggest the associated pair, so too does column 21, lines 7-11.

In the cited sections of Feinberg, there is no access code and password combination having the features of claim 1, which is

used to provide a health information description. Further, Feinberg does not disclose a password which is associated with a non-patient user of the system. Consequently, Feinberg does not render claim 1 obvious.

Newton et al. is cited in the Office Action for the proposition that a description is provided if a prospective pair is determined to correspond to one of the associated pairs. Figure 1 and column 2, lines 46-56 of Newton et al. are cited to support this argument.

Newton et al.'s figure 1 is a diagram showing steps in an encryption method. In combination with Newton et al.'s column 2, lines 46-56, figure 1 shows that an individual user access key code and individual encryption keys may be generated. The access key code is checked against a database of key codes before allowing the user to access the computer system. Neither figure 1, nor the cited lines of column 2 disclose or suggest an access code associated with a patient and a password associated with a non-patient user of the system, wherein the pair is used to gain access to information. For instance, there is no suggestion of a password which is associated with a non-patient user of the system. Therefore, Newton et al. fails to make up for the deficiencies of Feinberg.

Jacobson is cited in the Office Action for the proposition that a computer readable memory may be on a portable card. Even if true, Jacobson would fail to make up for the deficiencies of Feinberg and Newton et al. discussed above.

It was argued in the Office Action that it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Feinberg as taught by Newton et al. and Jacobson. Even if it would have been obvious to combine these three references, the invention would not have been obvious to one having ordinary skill in the art. There is no disclosure or suggestion of an access code associated with a patient and a password associated with a non-patient user of the system, wherein the pair is used to gain access to the patient's medical information. The combination of Feinberg, Newton et al. and Jacobson teaches away from the present invention by requiring that codes, keys, and passwords associated with a particular activity be related to the same person.

Claims 2-12 depend from claim 1. As such, claims 2-12 include all the limitations of claim 1. Therefore, claims 2-12 are allowable for the same reasons that claim 1 is allowable.

Claim 13 is for a method, and has limitations similar to those found in claim 1. The similarities between claim 13 and claim 1 are such that the arguments (above) in favor of allowing claim 1 are equally applicable to claim 13. Claims 14-23 depend from claim 13, and therefore include all the limitations of claim 13. For these reasons, claims 13-23 are allowable.

Claim 24 is for an article of manufacture, and has limitations similar to those found in claim 1. The similarities between claim 24 and claim 1 are such that the arguments (above) in favor of allowing claim 1 are equally applicable to claim 24. Claims 25-27 depend from claim 24, and therefore include all the

limitations of claim 24. For these reasons, claims 24-27 are allowable for the same reasons that claim 1 is allowable.

Claim 28 is for a medical information system having a portable card with a first computer. The first computer is programmed to provide a prospective access code upon entry of an acceptable password. An acceptable password corresponds to a non-patient user of the system. It was argued in the Office Action that Feinberg teaches a card having a first computer programmed to require entry of a password prior to providing a prospective access code, wherein acceptable passwords correspond to non-patient users of the system. To support these arguments, the following portions of Feinberg were cited: (1) Figure 2, item 100, (2) Figure 11B, item 530 (3) column 2, lines 50-56, (4) column 7, lines 6-12 and lines 15-19 and lines 47-59, (5) column 20, lines 63-67 and (6) column 21, lines 1-11.

Claim 28 recites that at least one of the acceptable passwords corresponds to a non-patient user of the system, and is associated with the prospective access code. It is respectfully submitted that the cited sections of Feinberg do not disclose or suggest this aspect of claim 28. Further, although Feinberg may disclose a card and a password, the portions of Feinberg cited in the Office Action do not disclose a computer programmed to provide a prospective access code upon entry of an acceptable password. Further, Feinberg does not disclose that an acceptable password corresponds to an entity other than the patient. Consequently, Feinberg does not disclose the card of claim 28.

Claim 39 is for a method of providing medical information. Claim 39 has limitations similar to those found in claim 28. The similarities between claim 39 and claim 28 are such that the arguments (above) in favor of allowing claim 28 are equally applicable to claim 39. Claims 40-48 depend from claim 39, and therefore include all the limitations of claim 39. For these reasons, claims 39-48 are allowable for the same reasons that claim 28 is allowable.

Claim 49 is for an article of manufacture, and has limitations similar to those found in claim 1. The similarities between claim 49 and claim 1 are such that the arguments (above) in favor of allowing claim 1 are equally applicable to claim 49. Claims 50-52 depend from claim 49, and therefore include all the limitations of claim 49. For these reasons, claims 49-52 are allowable for the same reasons that claim 1 is allowable.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted a full and complete response to the Office Action has been made. The claims are in condition for allowance, and allowance of the claims is respectfully requested.

The Applicant believes that a three-month extension-of-time fee is due with this *Response*. If a fee is due, please charge Deposit Account No. 08-2442. Further, Applicant believes that an extension of time is necessary to file this *Response*. If an extension of time is needed, please consider this as a petition for an extension of time sufficient to enter this *Response*.

The Examiner is invited to call applicant's attorney if any questions remain following review of this response. If it will help, the undersigned is willing to explain by telephone or in person, the reasons the claims are allowable.

Respectfully submitted,



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